IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.3083 OF 2004

Union of India & anr. .. Petitioners

v/s.

Manoj KUmar V.Kumare ..Respondent

Mr.Suresh Kumar for the petitioners.

Mr.R.P.Saxena for the respondent.

CORAM : R.M. LODHA AND
R.S. MOHITE, JJ.

DATED : 29th April, 2005

P.C.

Heard Mr.Suresh Kumar, the learned counsel for the petitioners and Mr.R.P.Saxena, the learned counsel for the respondent.

2. The respondent was transferred by order dated 5.5.1999 from Ambernath (Mumbai Division) to Nagpur Division. He made representation against the order of transfer but as nothing was done, he approached the Central Administrative Tribunal by filing Original Application No.912 of 1999. By the order dated 10th February, 2000, the Central Administrative Tribunal quashed and set aside the transfer order dated 5.5.1999. The Tribunal also observed that this should not preclude the present petitioners from transferring the employee to any other station in the Mumbai Division if so desired in the interest of administration. The order of the

Central Administrative Tribunal was challenged by the present petitioners by filing writ petition No.1231 of 2000. The said writ petition was disposed of on 29.1.2001 by giving direction to the present petitioners to complete the disciplinary enquiry against the respondent. This court did not interfere with the order of the Central Administrative Tribunal. Despite that, it appears that the petitioners did not give any posting to the respondent. The respondent made representations but of no avail. The fresh transfer order came to be issued only on 9.2.2001. Thus, for the period from 11.2.2000 until the fresh transfer order came to be issued on 9.2.2001, no posting was given to the respondent. The respondent cannot be made to suffer because of that and in this view of the matter, order of the Tribunal directing the present petitioners to pay full wages to the respondent for the period from 11.2.2000 to 13.3.2001 cannot be faulted.

3. Writ petition has no merit and is dismissed in limine.

(R.M.LODHA, J.)

(R.S.MOHITE, J.)